



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

AGENDA

Planning and Zoning Commission and City Council Joint Public Input Workshop*

Monday, April 16, 2018, at 5:30 P.M.

City Hall Council Chamber

201 E. Walnut

Decatur TX 76234

Call to Order

- ITEM 1:** HEAR PUBLIC INPUT, DISCUSS WITH STAFF AND PUBLIC, AND GIVE STAFF DIRECTION REGARDING THE PROPOSED EXTENSION OF THE DOWNTOWN LAND USE DISTRICT; DISCUSSION TO INCLUDE THE FOLLOWING TOPICS:
- A. STAFF SUMMARY OF PUBLIC INPUT MEETINGS HELD ON MARCH 1, 2018, AND MARCH 22, 2018.
 - B. ADDITIONAL INPUT FROM PUBLIC, MAIN STREET ADVISORY BOARD, AND ELECTED AND APPOINTED OFFICIALS REGARDING THE PROPOSED EXTENSION.
 - C. COMMISSION AND COUNCIL DIRECTION REGARDING NEXT STEPS. DIRECT STAFF REGARDING THE PROPOSED EXTENSION OF THE DOWNTOWN LAND USE DISTRICT, CURRENTLY PROPOSED TO INCLUDE ASH STREET TO THE NORTH AND BRADY STREET TO THE SOUTH WITH THE EASTERN AND WESTERN BOUNDARIES TO REMAIN UNCHANGED, OR PROVIDE DIRECTION REGARDING ALTERNATIVES OR OTHER APPROPRIATE ACTION FOR FUTURE CONSIDERATION.

Adjournment

Prepared and posted this the 12th day of April, 2018, in accordance with Chapter 551, Texas Government Code.

Dedra Denée Ragland, AICP
Planning and Development Director



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STAFF REPORT

April 16, 2018 – Planning & Zoning Commission and City Council Joint Workshop

TO: Honorable Mayor and City Council Members **CASE: SI2017-08A**
Planning & Zoning Commissioners

FROM: Dedra D. Ragland, AICP, Planning Director **APPLICANT: Main Street**
Advisory Board
and
City of Decatur

DATE: April 8, 2018 **REQUEST: Amend and extend**
Downtown Land
Use District

Case Notes:

On November 16, 2017, Staff met with the Main Street Advisory Board to discuss Christie Rhine's proposal to extend the Downtown Land Use District to include Ash Street to the north and Brady Street to the south. The Decatur Main Street Advisory Board, through the Decatur Main Street Program wishes to expand the Main Street District to coordinate with the Downtown Land Use District and to extend the Downtown Land Use District to take in the 400 block of Trinity Street in both directions.

The Main Street Advisory Board also wishes to enhance and protect the natural gateways into historic Downtown Decatur and offer more businesses and residents the benefits and services that can be provided by the Texas Main Street Center.

The current Main Street District boundaries include Mill Street to the north, Miller Street to the east, Pecan Street to the south and Lane Street to the west.

On November 20, 2017, the City Council and Planning and Zoning Commission directed the Planning staff to seek public input from affected property owners, residents and business owners regarding the Main Street Advisory Board's request to extend the Downtown Land Use District to include Ash Street to the north and Brady Street to the south, with the east and west boundaries of that District to remain the same.

Staff conducted two public input meetings on March 6, 2018, and March 22, 2018. The Staff Minutes from those meetings are included in Attachments 4 and 5. In summary, there were mixed responses to the proposed extension. Due to comments in opposition to the extension and statements of concern expressed at the public input meetings, Staff determined it necessary to hold this joint public workshop to obtain direction from Council and the Commission. Questions and concerns expressed at the input meetings include the following:

1. What is the City's plan for road improvements and sidewalk construction?
2. What happens to monies being held in escrow for curb, gutter and sidewalk construction?
How does escrowing money address the lack of sidewalk issue?

3. Growth need not impede on current historic properties. What protection is in place for the historic buildings in the Downtown area?
4. There are plenty of other places in Decatur that are suitable for commercial, retail, office, and multi-family developments; why is the Downtown being targeted?
5. What exactly is the City's vision for growth?
6. Can the City give a proposal of the potential changes to the Downtown District that could occur?
7. Is TxDOT is still planning a loop to connect FM 1810 and FM 2264 in 2025?
8. Why isn't a Tax Increment Finance District (TIF) being considered?
9. What steps are the City taking to revitalize the Downtown area and to keep the historical integrity of the homes in the Downtown area?
10. What is being done to protect parking Downtown?

Legality:

According to the Texas Local Government Code, the land use designation can be legally amended given a public hearing (§213.003), review and recommendation from the Planning & Zoning Commission (§213.003), and approval by City Council (City Charter).

Analysis:

What does extending the Land Use Designation accomplish?

- A. By extending the Land Use Designation, zoning changes outside of the uses for which the property is currently zoned will be reviewed and considered on a case by case basis.
- B. Zoning must be consistent with a City's Long Range Master Plan Future Land Use Map. The Zoning Districts that may be permitted in the Downtown Land Use District include: retail/commercial, office, home office and multifamily.
- C. Property owners, whose properties are located within 200' of a proposed zoning change, will be notified of any proposed zoning changes and will have an opportunity to provide input and to express their support or opposition regarding the proposal to both the Planning and Zoning Commission and the City Council during public hearings.

The Main Street Advisory Board and The Main Street Manager support extension of the Downtown Land Use. There does not appear to be a clear consensus by the property owners, business owners and residents impacted by the proposed extension.

Recommendation:

Provide Staff with further direction as to whether to continue pursuing the proposed extension to the Downtown Land Use District.

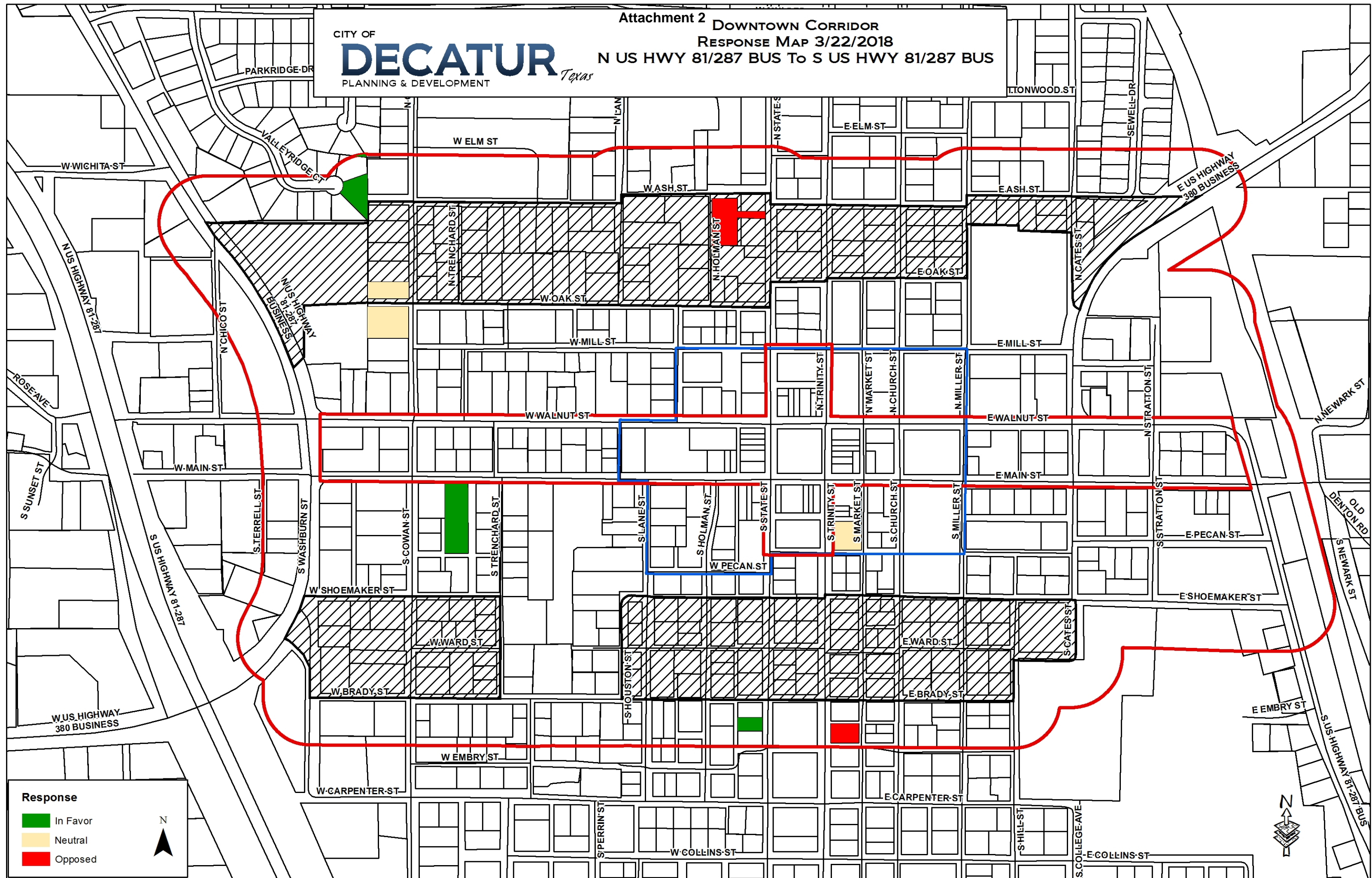
Attachments:

1. Existing and Proposed Downtown Land Use District Map
2. Public Input Response Map as of March 30, 2018
3. Land Use vs. Zoning Fact Sheet
4. Public Input Staff Minutes, March 8, 2018

5. Public Input Staff Minutes, March 22, 2018

DOWNTOWN CORRIDOR
N US HWY 81/287 BUS To S US HWY 81/287 BUS





Attachment 3

PUBLIC INPUT MEETING FACT SHEET: LAND USE AND ZONING

Land use is defined as how the area is used. Such as for recreational use, farm use, industrial use etc. In urban planning, land-use planning seeks to order and regulate land use in an efficient and ethical way, thus preventing land-use conflicts. Governments use land-use planning to manage the development of land within their jurisdictions.

Zoning describes the **control by authority of the use of land**, and of the buildings thereon. Areas of land are divided into zones within which various uses are permitted. Thus, zoning is a technique of land-use planning used by local governments. Zoning laws can be used to regulate lot sizes and establish ordinances about protecting wildlife and removing natural resources. They can also restrict the number and types of domestic or farm animals landowners can have on their property. For example, residential zones may only allow for domestic pets, such as dogs and cats, while residents in rural zones can have horses, cows or sheep. Zoning regulations can also protect residential areas from some of the disruptions associated with commercial or home-based businesses.

While there are no universal zoning codes, there are different types of land use zones, such as residential, historical, industrial and commercial. Let's take a closer look at some of these areas.

Land-use planning often leads to land-use regulation, which typically encompasses zoning. Zoning regulates the types of activities that can be accommodated on a given piece of land, as well as the amount of space devoted to those activities, and the ways that buildings may be situated and shaped.

Zoning in the US came about in the late 19th and early 20th centuries to protect the interests of property owners. The practice was found to be constitutionally sound by the Supreme Court decision of *Village of Euclid v. Ambler Realty Co.* in 1926. Soon after, the Standard State Zoning Enabling Act gave authority to the states to regulate land use.

A deep-rooted anti-zoning sentiment exists in America that no one has the right to tell another what he can or cannot do with his land. Ironically, although people are

often averse to being told how to develop their own land, they tend to expect the government to intervene when a proposed land use is undesirable.

Conventional zoning has not typically regarded the manner in which buildings relate to one another or the public spaces around them, but rather has provided a pragmatic system for mapping jurisdictions according to permitted land use. The urban sprawl that most US cities began to experience in the mid-twentieth century was, in part, created by a flat approach to land-use regulations. Zoning without planning created unnecessarily exclusive zones. Thoughtless mapping of these zones over large areas was a big part of the recipe for suburban sprawl. It was from the deficiencies of this practice that land-use planning developed, to envision the changes that development would cause and mitigate the negative effects of such change.



Suburban development near Colorado Springs, Colorado, United States

As America grew and sprawl was rampant, the much-loved America of the older towns, cities, or streetcar suburbs essentially became illegal through zoning. Unparalleled growth and unregulated development changed the look and feel of landscapes and communities. They strained commercial corridors and affected housing prices, causing citizens to fear a decline in the social, economic and environmental attributes that defined their quality of life. Zoning regulations became politically contentious as developers, legislators, and citizens struggled over altering zoning maps in a way that was acceptable to all parties. Land use planning practices evolved as an attempt to overcome these challenges. It engages citizens and policy-makers to plan for development with more intention, foresight, and community focus than had been previously used.

Today, successful planning involves a balanced mix of analysis of the existing conditions and constraints; extensive public engagement; practical planning and design; and financially and politically feasible strategies for implementation.

Current processes include a combination of strategic and environmental planning. It is becoming more widely understood that any sector of land has a certain capacity for supporting human, animal, and vegetative life in harmony, and that upsetting this balance has dire consequences on the environment. Planners and citizens often take on an advocacy role during the planning process in an attempt to influence public policy. Due to a host of political and economic factors, governments are slow to adopt land use policies that are congruent with scientific data supporting more environmentally sensitive regulations.

Since the 1990s, the activist/environmentalist approach to planning has grown into the Smart Growth movement, characterized by the focus on more sustainable and less environmentally damaging forms of development. Moreover, there is changes on the requirements of land use planning overtime.

Smart growth supports the integration of mixed land uses into communities as a critical component of achieving better places to live. Putting uses in close proximity to one another has benefits for transportation alternatives to driving, security, community cohesiveness, local economies, and general quality of life issues. Smart growth strives to provide a means for communities to alter the planning context which currently renders mixed land uses illegal in most of the country.

Attachment 4

Public Input Meeting Minutes, March 1, 2018
Extension of Downtown Land Use District

MINUTES

A public input meeting for the extension of the Downtown Land Use District was held at 5:00 p.m., Thursday, March 1, 2018, at the Visitor's Center with the following in attendance:

Planning and Development Director Dedra Ragland, Development Review Coordinator Shanna Smith, GIS Analyst Ford McElroy, Frieda Lasater Main Street Program Director and Building Official Wayne Smith representing the staff, Curtis Creswell and Terry Berube representing the Planning and Zoning Commission, and Billy Lannom, Scott Jackson, Melinda Reeves, Arnulfo Galindo, Sally Florian, James Florian, Barbara Pinkerton, Sherry Hicks, Melvin Hicks, Loraine Burton, Charles Burton, Domingo Rivas, Matthew Savage, Martha Savage and Christie Rhine Decatur citizens.

Planning Director Dedra Ragland began the meeting by thanking the citizens for their attendance. She explained the proposal to extend the Downtown Land Use District. Planning Director Dedra Ragland gave an explanation of the difference between land use and zoning.

Citizen Billy Lannom if the land use will be High Density Residential (HDR) which will allow for Multi-Family Residential (MF). Planning Director Ragland answered the land use is Downtown. Per the Long Range Master Plan, multifamily uses are permissible and desirable. MF will be possible in the Downtown Land Use District.

Citizen Melinda Reeves stated the roads in the Downtown area are not good and wanted to know if the City has a plan for sidewalk construction. Planning Director Ragland expressed the challenges the City faces with the construction of curb, gutter and sidewalk. She stated the Subdivision Regulations require curb, gutter and sidewalk construction and applicants can either install or escrow the funds to be used at a later date. Ms. Reeves asked who owns the escrow money. Planning Director responded, the City holds the funds but there is not a timeline as to when the funds will be used. Ms. Reeves went on to say the sidewalks are in bad shape or are non-existent. Planning Director Ragland agreed. Escrowing in perpetuity does not really address the problem with sidewalks.

Citizen Arnulfo Galindo commented on the sidewalk construction in the City of Denton along US Hwy 380. Planning Director Ragland responded that project was likely a partnership between the City of Denton and TxDOT.

Mr. Billy Lannom stated he owns property in Grapevine and many of the historic buildings that have been preserved are being repurposed for commercial and office space. He believes Decatur has adequate properties for commercial development and any new commercial development in the Downtown area will overload the streets with traffic.

Ms. Melinda Reeves stated the City has not taken care of the historic buildings. Planning Director Ragland stated a Historical Preservation Ordinance District was proposed in the past but was put on hold due to negative feedback by the business owners who felt the regulations were too restrictive.

Citizen Matt Savage, who owns properties located at 303 and 304 N. Ash, stated the neighborhood is a great neighborhood. Mr. Savage owns property in Ft. Worth and stated that revenues from outside of the city were absolutely necessary to move the development of a city forward.

Ms. Melinda Reeves stated Decatur has plenty other places for commercial development besides the Downtown area.

Citizen Scott Jackson, 502 S. State, Decatur, Texas, noted Alliance Texas and Keller Texas are both growing cities and growth is headed to Decatur whether the citizens want it or not. Mr. Jackson stated our town is not small anymore and having a plan for growth is better than no plan at all.

Ms. Melinda Reeves stated the infrastructure needs to be in place first. Planning Director Ragland agreed and stated the City cannot sit around and wait; there must be plans in the works.

Mr. Billy Lannom stated apartments will be coming to Decatur in the future. Planning Director Ragland and Main Street Program Director Frieda Lasater declared apartments are already proposed for construction.

Main Street Program Director Frieda Lasater stated a developer has purchased many properties throughout the City of Decatur and his desire is to develop those properties to help Decatur expand grow.

Mr. Matt Savage noted developers are skilled in their field. He is a real estate agent, and it has been his experience that properties in Decatur only remain on the market an average of thirty (30) days.

Mr. Billy Lannom stated growth need not impede on current historic properties. Main Street Program Director Frieda Lasater stated the City needs to keep the gateways to Downtown open. She wants Decatur to keep the small town feel but thinks homes could be converted into quaint and non-obtrusive businesses.

Ms. Melinda Reeves asked staff to please consider outlining a vision for the growth of the City. Planning Director Ragland reminded the attendees that zoning is not changing at this point. Mr. Matt Savage noted zoning is the most important piece of the future planning. Ms. Reeves does not want apartments in her neighborhood. Mr. Savage stated in his experience apartment's raise the values of homes. Mr. Lannom stated he did not see how apartments can raise property value.

Citizen Marty Savage asked what types of properties will be allowed in the Downtown Land Use District. Planning Director Ragland answered, retail, institutional, commercial and residential. Mrs. Savage asked if industrial will be allowed in the Downtown Land Use District. Planning Director Ragland answered, yes but not heavy industrial.

Main Street Program Director Frieda Lasater reiterated the importance of the gateways to Downtown. She stated there has been discussion to expand Main Street. Currently new construction in the Downtown area requires rock or stone on the façade. Language needs to be added for setbacks in the Downtown area; however, those changes will impact zoning and will need to occur down the road. The land use proposal being discussed today only impact expanding the already existing Downtown Land Use District.

Citizen Sherry Hicks stated she would like to see the Downtown area remain historic. She is planning to build a historic style home on S. Lane Street. She asked about protecting the look of the historic homes. Planning Director Ragland answered, the protection of the historic homes will not come with a land use change. That will have to come from Zoning, Design Standards and Historic Preservation. Ms. Melinda Reeves asked if the City can give a proposal of the potential changes to the Downtown District that could occur. Planning Director Ragland answered, the perspective could be overwhelming. Main Street Program Director Frieda Lasater stated the Main Street Program will be an advocate for all property owners.

Commissioner Creswell asked Planning Director Ragland to explain the parking requirements. She explained the Downtown parking requirements for properties on the square are waived. Property owners off of the square, but in the Downtown Land Use District, will follow the parking requirements set forth in the Zoning Ordinance, for the specified use and Zoning District or seek a variance. Requests for variances are available for most, if not all, of the City regulations.

Ms. Melinda Reeves asked if the property owners will be notified if a variance is requested. Planning Director Ragland answered, generally yes. A citizen stated the parking around a hair salon near the Downtown area is bad. Mr. Scott Jackson added with the proper planning, commercial development can work in small places. Ms. Reeves stated she does not like the possibility of apartments being constructed in her neighborhood. Planning Director Ragland added urban planning is moving towards smart growth and new urbanism principles, which advocate for citizens to live, work and play in close proximity.

Mr. Matt Savage said it would be fantastic to see the vacant warehouse space get caught in this planning vision. Mr. Billy Lannom commented on the retail strip center located on Highway 287. The retail spaces have remained unoccupied for several years. Planning Director Ragland stated the property owner had been encouraged by staff to seek a different location as traffic flow is not good in this area. There are also other issues that are not suitable or germane to tonight's discussion. Mr. Lannom stated there are several vacant business locations with access issues including a Feed Store, Western Sizzler and Yesterday's Diner.

Mr. Scott Jackson asked if TxDOT is still planning a loop to connect FM 1810 and FM 2264 in 2025. Planning Director Ragland answered, it is being discussed. She stated vacant land around Decatur is riddled with gas lines and wells.

A citizen asked what the plans are for the Cornerstone Church. Planning Director Ragland answered, QT is planning to build on the property.

Mrs. Marty Savage asked if Tax Increment Finance Districts (TIFs) were being considered. Planning Director Ragland stated tax TIFs are an Economic Development Corporation (EDC) incentive or tool. Mrs. Savage stated it would bring in extra dollars to the City. Main Street Program Director Frieda Lasater added the hold up in the past for TIFs have been property owners. Planning Director Ragland stated more education is needed.

Commissioner Creswell asked Planning Director Ragland to explain the 20% opposition rule. Planning Director Ragland stated if property owners opposed the change and 20% of land mass is achieved, a super majority vote of $\frac{3}{4}$ from City Council is required.

The meeting concluded at 6:30 p.m.

ATTEST:

Dedra Denée Ragland, Planning Director

Attachment 5

Public Input Meeting Minutes, March 22, 2018
Extension of Downtown Land Use District

MINUTES

A public input meeting for the extension of the Downtown Land Use District was held at 5:00 p.m., Thursday, March 22, 2018, at the Visitor's Center with the following in attendance:

Planning and Development Director Dedra Ragland, GIS Analyst Ford McElroy, Frieda Lasater Main Street Program Director. Kerry Clower Main Street Board Member and Building Official Wayne Smith representing the staff, John Lanier representing the Planning and Zoning Commission, and Estelle Seely, Christie Rhine, Sally Florian, James Florian, Billy Lannom, Barbara Pinkerton, Ruben Pinkerton, John Taylor, Cathy Emrick and Mark Moran Decatur citizens.

Planning Director Dedra Ragland began the meeting by thanking the citizens for their attendance. She explained the proposal to extend the Downtown Land Use District. Planning Director Ragland gave an explanation of the difference between land use and zoning. She explained the Downtown District is a Mixed-Use District allowing for different uses such as multifamily, single family, commercial, offices, parks and duplexes. The Downtown District has a wide range of permitted uses. Planning Director Ragland stated the reason for the proposal stems from a request from the Main Street Advisory Board to have the Main Street District match the Downtown Land Use District and the Historical District. The public input meetings are for staff to gain information from the property owners most effected by the proposal. If staff is given direction from City Council to move forward, then a more official process will be conducted.

Citizen Cathy Emrick referred to the notification that was published and mailed to property owners stating it did not reference single family dwellings. Planning Director Ragland stated it should have included single family residential and that was an oversight on staff's part. Ms. Emrick asked if she can receive that information in writing and Planning Director Ragland answered, yes.

Planning Director Ragland invited the citizens to the joint City Council and Planning and Zoning Commission public input meeting workshop on Monday, April 16, 2018, from 5:30 p.m. – 7:00 p.m. and encouraged them to come, ask questions and voice their concerns.

A citizen asked if any voting will be done at the workshop. Planning Director Ragland answered, no the council members and commissioners will only be listening to the staff and citizens.

A citizen asked how this proposal will effect single family dwellings in the future. Planning Director Ragland answered, as a planner she did not see an adverse effect. At the first input meeting some citizens voiced their concerns about a multifamily dwelling next to a historic home. Planning Director Ragland reminded the citizens that there is still a zoning process which includes notifying property owners within 200' of the property proposed for a zone change. She stated zoning changes are discretionary and even if staff recommends approval from a technical standpoint, if there is enough opposition, the request can be denied.

A citizen asked if the proposal would require a single family zoned lot to only sell for commercial use. Planning Director Ragland answered, no but the Downtown Land Use District does offer property owners more options.

A citizen asked why zoning on the same parcel of land differs from the County to the City. GIS Analyst Ford McElroy explained the County bases zoning off of what the use is for the property where the City bases zoning off of ordinance. The citizen also asked if everyone in this area is now considered commercial. Planning Director Ragland answered, no and referred to a zoning map to explain the different Zoning Districts by color.

Billy Lannom expressed his concern with the City's ability to revitalize the Downtown area and keep the historical integrity. Mr. Lannom does not think allowing commercial, office and multifamily uses in the historic area will be beneficial. Planning Director Ragland explained the historic residential Downtown area has been a part of the central business district and that these two areas are not separate. She referred to other cities whose central business district offers offices, loft apartments and retail. Mark Moran added cities such as Grapevine, Denton and McKinney have property owners who are restoring the historic homes for office uses such as doctors and lawyers. Mr. Moran went to say the Downtown needs improvement and if improvements do not occur, no investors will look at Decatur. Mr. Lannom stated he fails to see how adding a couple of blocks to the Downtown area will encourage revitalization. Main Street Program Director Frieda Lasater gave an example of a historic home with an attached business, which is now closed, to demonstrate the importance of a mixed-use area. She also reminded the attendees that zoning changes will be handled on a case-by-case basis and go before City Council for approval. Mr. Lannom stated we cannot predict how the future Planning and Zoning Commission and City Council will react to zoning change requests. Main Street Program Director Lasater informed the attendees that the Main Street Advisory Board is requesting the Land Use Change and to extend the Main Street District. The Main Street Board is supporting the citizens in the historic area. All the area east of Hwy 287 is old and historic and needs to be protected. The Main Street Board is asking to extend the Downtown area and the main goal is to protect the gateways into our city. Planning Director Ragland stated the extension of the Downtown Land Use is to give property owners options. She understands the concerns with multifamily but stated most issues with multifamily are due to poor management of the apartment complex.

Mr. Lannom stated the City cannot do anything about the parking issues Downtown. Planning Director Ragland stated there is not anything that can be done to alleviate the parking issues.

Planning Director Ragland again invited the attendees to attend the joint public input workshop on April 16, 2018, at 5:30 p.m. at City Hall Council Chamber and express their concerns. She also asked property owners to turn in their property owner notifications if they have not already done so.

The meeting concluded at 5:25 p.m.

ATTEST:

Dedra Denée Ragland, Planning Director